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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,594	02/13/2004	Karen Lec a.k.a. Kerri L. Marak		4955

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EXAMINER

STASHICK, ANTHONY D

ART UNIT PAPER NUMBER

3728

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,594

Applicant(s)

MARAK, KAREN LEE A.K.A. KERRI L.

Examiner

Anthony D. Stashick

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 10-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stritter Des. 94,638 and Thatcher 4,793,075 in view of Strothier et al. 2,262,564. Stritter '638 discloses a shoe sole base (see Figure, sole is high heel platform) that has a plurality of strap attachment loops (side strap with rings as the loops) to which shoe straps (i.e. lace) are attached. Thatcher '075 teaches a flat sole 13 that has a plurality of strap attachment loops 25 for attaching shoe straps 23, 24, 36,32,30 (see Figure 2). Both Stritter '638 and Thatcher '075 are footwear shoe bases with different styles or fit and each reference has a different thickness for their straps. Neither of these references teaches the use of a safety pin attachment structure attached to the straps to attach the straps to the attachment loops. Strothier et al. '564 teaches that straps used to hold items on a user's body could be attached to those items by a safety pin 29. This attachment allows for easy removal and replacement of the strap if the strap should break under stress. Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to place safety pins, such as that shown in Strothier et al. '564, on the straps of either of Stritter '638 or Thatcher '075, to removably attach the straps to the loops to make the straps easily attach to the loops and separately adjustable.

Art Unit: 3728

3. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied in paragraph 2 above in view of Vlas et al. 3,455,037. The references as applied in paragraph 2 above disclose all the limitations of the claims except for the shoes being coordinated but different. Vlas et al. '037 teaches that a shoe attached to the user's foot can have coordinated but different appearances (see Figures 3-6) using the same strap with different ways of attaching the strap to the user's foot to allow the user to give different appearances of the footwear. Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to fasten the straps of the references as applied in paragraph 2 above in different styles to allow for the user to apply their own styles and expressions.

4. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 10 above in view of Berg 2002/0078600. The references as applied to claim 10 above disclose all the limitations of the claims except for the straps being of different color and different fabrics. Berg et al. '600 teaches that straps for attaching a sole to a user's foot can be made to have different appearances and used on different soles (see paragraph [0049] lines 4-7) and that these straps can be made of different material (see paragraph [0064], lines 5-9). This allows for the user to adapt the straps to their desired style. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to make the straps of the references as applied to claim 10 above out of different material and color, as taught by Berg et al. '600 so that the user can modify the style of the shoe to meet their own personal style.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 10 above in view of Kelly 4,439,935. The references as applied to claim 10

Art Unit: 3728

above disclose all the limitations of the claim except the straps differing in patterns. Kelly '935 teaches that the straps on a sandal can differ in pattern (see Figures 5 and 6) to give a different look to the shoe. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to make the patterns on the straps of the references as applied to claim 10 above different, as taught by Kelly '935, to allow for the user to have more versatility in modifying the shoe for their particular style.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited on form 892 enclosed herewith.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3728

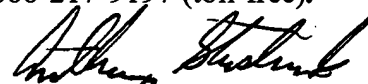
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D. Stashick whose telephone number is 571-272-4561.

The examiner can normally be reached on Monday Through Thursday, 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony D Stashick
Primary Examiner
Art Unit 3728

ADS